

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICH HALLMAN, an individual, on behalf of
himself and all others similarly situated,

Plaintiff,

vs.

WELLS FARGO BANK, N.A.; and DOES 1
through 10, inclusive

Defendant.

NO. 2:18-cv-01190 JLR

AMENDED JOINT MOTION
STIPULATING TO STAY OF THE
ACTION PENDING THE OUTCOME OF
THE NINTH CIRCUIT APPEAL IN
IBARRA

NOTING DATE:
March 15, 2019

STIPULATION

1. The undersigned parties hereby stipulate to stay this action, including all deadlines for discovery, briefing related to class certification and trial, until a final ruling is obtained in the action *Ibarra v. Wells Fargo Bank, N.A.*, United States Court of Appeals for the Ninth Circuit, Court of Appeals Docket No. 18-55626, docketed May 16, 2018. In support thereof, the parties jointly state the following:

2. Plaintiff's Counsel here are also Class counsel in another case against Defendant in *Ibarra v. Wells Fargo Bank, N.A.*, United States District Court, Central District California, CV 17-4344 PA (ASX) ("*Ibarra*"). In that case, the parties stipulated to certification of a class of California Home Mortgage Consultants ("HMCs") for purposes of resolving rest break

1 claims arising under California law. The district court entered summary judgment in favor of
2 the class in April 2018.

3 3. Defendant, represented by undersigned counsel, has appealed the judgement in *Ibarra*
4 in *Jacqueline Ibarra v. Wells Fargo Bank, N.A.*, United States Court of Appeals for the Ninth
5 Circuit, Court of Appeals Docket No. 18-55626, docketed May 16, 2018 ("*Ibarra Appeal*").

6 4. Like *Ibarra*, this case involves compensation plans for Wells Fargo HMCs. As in
7 *Ibarra*, Plaintiff seeks to represent a class of HMCs and challenges Wells Fargo's rest break
8 practices for HMCs.

9 5. A decision in the *Ibarra Appeal* is not expected until late 2019 or early 2020.
10 Counsel for Plaintiff believes that the outcome of the Ninth Circuit appeal in *Ibarra* may have
11 substantial impact on this litigation. The parties have met and conferred and agree that, in
12 light of Plaintiff's position, good cause exists for a stay of all deadlines pursuant to Local
13 Rule 16(b)(5). In particular, a stay of all deadlines pending the outcome of the Ninth Circuit
14 appeal in *Ibarra* will conserve party and judicial resources without causing anyone unfair
15 prejudice if this action is stayed until the *Ibarra* appeal in the Ninth Circuit is resolved.

16 6. Plaintiff Rich Hallman, who is represented by the same counsel as *Ibarra* agrees with
17 the terms of this stipulation and wishes to have it go into effect.

18 7. Defendant Wells Fargo reserves all rights and defenses.
19

20 Dated: March 15, 2019

21 By: s/ Amanda C. Machin (with email
22 permission)

23 Catharine M. Morisset, WSBA #29682
FISHER & PHILLIPS LLP

By: s/ Joshua H. Haffner
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24 Theane Evangelis*

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AMENDED JOINT MOTION STIPULATING TO STAY
OF THE ACTION PENDING THE OUTCOME OF THE
NINTH CIRCUIT APPEAL IN IBARRA (18-1190) - Page

1 *Attorneys for Defendant*

2 **Admitted pro hac vice*

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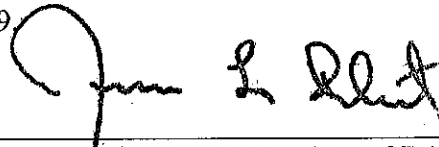
PROPOSED ORDER

Based on the foregoing Stipulation, it is hereby ORDERED as follows:

1. All deadlines for discovery, briefing related to class certification and trial are stayed until a final ruling is obtained in the action *Ibarra v. Wells Fargo Bank, N.A.*, United States Court of Appeals for the Ninth Circuit, Court of Appeals Docket No. 18-55626, docketed May 16, 2018.

2. All deadlines for discovery and briefing related to class certification are further extended 60 days as to the computation of time from the date of the stay.

Entered this 18th day of March, 2019



THE HONORABLE JAMES L. ROBART

CERTIFICATE OF SERVICE

I hereby certify that on the date below written, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and caused to be served a true and correct copy of same by the method indicated below and addressed as follows:

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Attorneys for Plaintiff

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 15, 2019, in accordance with 28 USC 1746.

/s/ Joshua H. Haffner
Joshua H. Haffner